

Home to School Travel Policy for Bracknell Forest children aged 5 to 16

Version 4.0
2019/20

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1 Principles

This policy sets out Bracknell Forest Council's responsibilities and commitment to meeting the home to school travel assistance needs of eligible children and young people (including those with special educational needs and disabilities) who are of compulsory school age (5-16), and resident in Bracknell Forest.

Bracknell Forest Council (hereafter 'the Council') is keen to promote children and young people's independence, social and life skills essential for their preparation for adulthood. This goal underpins our home to school travel assistance policy because where possible, children and young people, including those with special educational needs and/or disability, will be encouraged and supported to travel independently.

This approach takes forward our corporate plan themes to ensure:

- value for money
- a strong and resilient economy
- people have the life skills and education opportunities they need to thrive
- people live active and healthy lives
- a clean, green, growing and sustainable place
- strong, safe, supportive and self-reliant communities

THIS POLICY SUPERCEDES ALL PREVIOUS POLICIES

1.1 Key Contact Numbers

EDUCATION TRANSPORT:

Time Square
Market Street
Bracknell Forest Council RG12 1JD
Telephone: 01344 352002
Email: Education.transport@bracknell-forest.gov.uk

Or:

THE SPECIAL EDUCATIONAL NEEDS TEAM (SEN)

Time Square
Market Street
Bracknell Forest Council RG12 1JD
Telephone: 01344 354039
Email: Sen.education@bracknell-forest.gov.uk

2. The Council's Statutory Responsibilities

These responsibilities are to:

1. Promote the use of sustainable travel and transport. The Education Act 1996 defines sustainable modes of travel as those that the local authority considers may improve

the physical well-being of those who use them, the environmental well-being, and a combination of the two.

2. Make suitable travel arrangements for eligible children.

2.1 The duty to promote the use of sustainable travel and transport

The Council has a general duty to promote the use of sustainable travel and transport. This duty applies to children of compulsory school age who travel to receive education or training within the area - journeys to and from institutions where education or training is delivered.¹

2.2 The duty to make suitable travel arrangements for eligible children

The Council has a duty under the Education Act 1996 (section 508B) to ensure that suitable travel arrangements are made, for eligible children, to facilitate their attendance at school.² This duty relates to home to school travel arrangements, and vice versa ('home' is the place where the child is usually resident). 'Eligible children' are defined in schedule 35 B of the Education Act 1996 as those children of compulsory school age (5 -16) - for whom free travel arrangements will be required. There are four eligibility criteria:

2.2.1. Statutory walking distance eligibility

The Council has a duty to provide free transport for pupils whose homes are outside the statutory walking distance to the nearest suitable school:

- More than 2 miles (if below the age of 8); or
- More than 3 miles (if aged 8 to 16)

'Suitable' is the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any special educational needs and/or disability that the child may have.

Measurement of routes:

The measurement of statutory walking distances is not necessarily the shortest distance by road. It is measured by the shortest route along which a child, accompanied as necessary, may walk safely. As such, the route measured may include footpaths, bridleways, and other pathways, as well as recognised roads.

2.2.2 Special educational needs and/or a disability or mobility problems eligibility (including temporary medical conditions):

The Council has a duty to make travel arrangements for all pupils registered at a school **within walking distance** who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs or disability, and no suitable arrangements have been made for the child to attend a nearer school.

¹ Section 508A of the 1996 Education Act.

² Sections 508B and 508C of the 1996 Education Act.

Eligibility for such children should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to their special educational needs and/or disability.

A child or young person may not be able to reasonably walk to school because of a reason which may be associated with physical or mental health reasons, neuro–developmental difficulties and/or disabilities. The Council will consider whether the child or young person can reasonably be expected to walk to school, if accompanied; and then whether it is reasonable for their parent/carer/guardian (or responsible adult) to be expected to accompany them.

Eligibility is needs based - It is not based solely on the child being identified with a special educational need or diagnosis. This means that if a parent is seeking to establish that their child is an eligible child because they cannot reasonably be expected to walk to school - even where their school is close to their home and within the statutory walking distances, then the parent/carer or guardian would need to provide evidence and information to support this. The Council would also expect to receive information about why the child could not reasonably walk to and from school - either alone or accompanied and, if accompanied, why a parent/carer or guardian or responsible adult cannot reasonably be expected to accompany them.

Professionals that state that the child cannot reasonably be expected to walk to school, will be given very little cogency and weight unless they are supported with evidence in support of why, in their professional opinion, the child cannot reasonably be expected to walk to school, accompanied if necessary.

Entitlement to transport will be considered on an individual basis and regularly reviewed, taking into account their special educational needs and/or disability, mobility or medical needs, as well as any exceptional circumstances. Relevant supporting professional evidence will be required.

Consideration will be given by the Council to provide home to school travel assistance for pupils with temporary medical conditions. Each case will be considered on its own merits.

The Council has responsibility to ensure children's needs are addressed, and this includes travel assistance which facilitates the best opportunity for independence.

2.2.3 Unsafe route eligibility

The Council has a duty to make transport arrangements for children who cannot be expected to walk to the nearest suitable school because the route is deemed unsafe to walk. The Council would consider a range of risks, including rivers, ditches, traffic speed, fields of vision for the pedestrian and motorist, and whether the route would be considered safe if the child were accompanied by their parent/carer/guardian.

2.2.4. Extended rights eligibility

- The Council has a duty to provide free transport for children whose parents/carers/guardians are entitled to:

- Universal Credit (as appropriate)
 - Free school meals for their child or family is entitled to maximum working tax credit
 - Support under Part VI of the Immigration and Asylum Act 1999
 - Guaranteed element of state pension credit and if:
- The nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11). This is measured by the shortest walking distance which a child would safely travel, accompanied if necessary (not by road).
 - The school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools). The 6 miles limit would be measured by road travel.
 - The school is between 2 and 15 miles and is the nearest secondary school preferred on the grounds of religious belief (aged 11-16). The 15 miles limit is measured by road travel.

2.2.5. Eligibility and Accompaniment

Transport only for the compulsory part of the school day

The duty to provide travel arrangements to eligible children does not extend beyond the compulsory part (i.e. the start and finish) of the school day. A local authority is not required to provide flexible travel arrangements to facilitate a child's part-time attendance; a child's trial placement; the child's attendance at after school activities or attend medical appointments. There is no duty to provide free transport if suitable alternative arrangements exist.

Timing of assessment of eligibility:

At the point when home to school travel arrangements eligibility is considered, the prospect of being able to secure a place in an alternative (usually nearer) school must be a real one. For most cases this will be during the normal school admissions round when places are allocated. A smaller number of cases will need to be considered during the school year e.g. as a result of families moving to a new area within the borough.

Where entitlement to extended travel rights has been established, the pupil will be eligible for the entirety of the school year for which the assessment has been made. If a pupil ceases to be eligible any change to provision made by the Council will be considered in the context of the potential impact on the child to avoid disruption.

Accompaniment

In deciding whether a child is eligible for travel assistance for reasons of special educational need, disability or mobility, or unsafe route eligibility, the Council has a responsibility to consider whether the child could reasonably be expected to walk if accompanied by a parent/carer/guardian or responsible adult. This would be determined by factors such as the child's age and whether one would ordinarily expect a child of that age to be accompanied.

The general expectation is that a child will be accompanied by a parent/carer/guardian or responsible adult, where necessary, unless there is a good reason why it is not reasonable to expect the parent/carer/guardian to do so.

The Council promotes equality of opportunity for disabled parents. Where a parent's disability prevents them from accompanying their child along a walking route that would otherwise be considered unsafe without adult supervision, a reasonable adjustment might be to provide free home to school travel arrangements for the child in question.

Parents are legally responsible to ensure their child's attendance at school, but for a small number of children who are classed as eligible children, as defined in Schedule 35B Education Act 1996. Bracknell Forest Council has a duty to ensure that suitable travel arrangements are made, where necessary, to facilitate their attendance at school. Parents are responsible for ensuring that their children attend school regularly. However, a parent will have a defence in law against a prosecution by a local authority for their child's non-attendance at school where the local authority has a duty to make travel arrangements in relation to the child and has failed in that duty to children classed as eligible children.

3. Which schools qualify under this policy?

The relevant educational setting in relation to an eligible child will be either a qualifying school or the place, other than a school, where they are receiving education. Regulations clarify the entitlement for eligible children, a small number of whom may be registered at more than one educational establishment, e.g. children of no fixed abode might be registered at more than one school, and other children may be registered at a hospital school and another school, etc.

Qualifying schools are:

- community, foundation or voluntary schools;
- community or foundation special schools;
- non-maintained special schools including residential (where deemed appropriate);
- pupil referral units; or
- Academies, including free schools and University Technical Colleges (UTC).

For pupils with special educational needs an independent school can also be a qualifying school where this is named on the child's Education, Health and Care Plan (EHC Plan), or it is the nearest of two or more schools named.

4. What kinds of travel arrangements might be made under the Home to School Travel Policy?

Such arrangements might include:

- A parent consenting to use their car in return for mileage allowance in lieu of the Council making arrangements for a taxi to transport their child;
- Free passes for children on public transport;
- Provision of a seat on a bus or minibus, or a seat in a taxi where more individualised arrangements are necessary.

For more information about travel arrangements please refer to the Council's 'Operational handbook'.

5. What are 'suitable' travel arrangements?

'For arrangements to be suitable, they must be safe and reasonably stress free, to enable the child to arrive at school ready for a day of study'.³

It could not be expected that a child makes several changes on public transport resulting in unreasonably long journey times. Guidance advises that 'best practice' is that a child of primary school age should not travel for more than 45 minutes each way, and secondary school age - a maximum of 75 minutes-including any walking time. It is desirable that journeys to special /specialist settings for children with complex needs should be shorter, but this may not be possible. Particularly where a child's special educational needs can only be addressed in an out-of-borough placement.

5.1 Pick-up points

Where it is appropriate to provide free home to school travel arrangements for children, the Council aims to ensure there are appropriate pick-up points. Local Authorities are able to use reasonable pick-up and drop-off points in appropriate cases and travel arrangements do not have to cover the whole of the distance from the child's home to the school gate.

5.2 Supporting the development of self-reliant travellers

The Council has responsibility to ensure children's needs are addressed, and this includes travel assistance which facilitates the best opportunity for independence. Where it is safe, appropriate and reasonable to do so, pupils with special educational needs will be expected to walk, accompanied as necessary by a responsible adult, to and be dropped off, at a common pick up point near their home.

Residential Schools: Where children with EHC Plans require a residential placement following assessment:

- For termly boarders the Council will provide assistance for travel to and from home to the residential school at the beginning and end of each term and half term.
- For 52-week residential placements the Council will provide assistance for travel to and from home to the residential school for eight visits throughout the year.

Mileage Allowance: A mileage allowance will be offered to parents/carers/guardians of children with special educational needs and/or disabilities who are entitled to free home to school travel arrangements, where this offers best value for money and the parents/carers/guardians agree to this.

6. Exceptional circumstances/change of circumstances/other arrangements

The following are examples of exceptional circumstances/change of circumstances and the Council will always consider a request to exercise its discretion in a particular case and provide free home to school travel arrangements.

³ Home to school travel and transport guidance, statutory guidance for local authorities.

Non eligible children (e.g. those below statutory school age)

The Council may exercise its discretionary power and provide home to school travel assistance on an individual basis.

Change of address

Parents/carers/guardians must inform the Council in writing of any change of address. Transport eligibility will be re-considered and in exceptional cases, pupils may remain at their current school with travel arrangements provided, if a school move is at a crucial time in their studies and it is not in their interests to change schools. Each case will be considered on an individual basis.

Pupils living in temporary accommodation

If a pupil is of statutory school age and the family/carer/guardian are placed in temporary accommodation by the Council, consideration will be given to the provision of education travel arrangements for a limited period. This period will be determined by taking the individual circumstances into account (e.g. reasons for the displacement, age of the child(ren), likely timescales, parent/carer/guardian's circumstances, etc).

Transport to a Pupil Referral Unit/other education providers

Although the Council offers transport assistance, it is still the responsibility of parent/carers/guardians in all circumstances to ensure their children get to school. This includes the Pupil Referral Unit and any other places where education may be provided. Even where transport is provided, parent/carers/guardians still have a responsibility for the behaviour of the child and will need to play a part in the process.

Transport to a Pupil Referral Unit and to other places where education may be provided will only be provided in accordance with their general entitlement. Transport to the Pupil Referral Unit for those pupils who are not attending mainstream schools will be provided at the start and the end of teaching sessions only.

Parents/carers/guardians must be aware that there is no transport entitlement to and from the Pupil Referral Unit or similar education provider at any other time. This also applies to pupil exclusions.

Any requests for exceptional arrangements will need to be supported by documentary evidence from the Pupil Referral Unit e.g. Medical Certificate or a Court Order.

Transport may be withdrawn from pupils who regularly fail to attend the PRU – responsibility for attendance will then pass to parent/carers/guardians.

Pupils Excluded From School

A pupil permanently excluded from a school will be provided with assistance to his or her new school provided it is both the nearest suitable school, as agreed by the Council and is outside the statutory walking distance from home.

Temporary Attendance at Alternative Provision

Where a pupil is registered at a school but is attending a place other than that school as a result of temporary exclusion, eligibility for home to school travel will apply to the other place for the temporary period.

Elective Home Education (EHE)

Where parents have made the choice to educate their child at home, no assistance will be available from the Council in connection with any transport need arising.

Where the Council arranges for a pupil to have education other than in school, the Council will provide transport subject to normal eligibility rules on home to school travel arrangements.

Behaviour on School Transport

Parents, schools, pupils, transport contractors and the Council, working in partnership, all share responsibility for ensuring that acceptable behaviour is maintained to ensure safe and stress free school transport for all.

The provision of transport may be withdrawn either for a period of time or permanently should a pupil misbehave whilst being transported to or from school. Normally a warning letter will be sent to parents/carers/guardians prior to transport being withdrawn. However, in the event that any incident is considered serious enough, following an investigation by the Education Transport team, the withdrawal of transport may be immediate. In this instance the responsibility for ensuring attendance at school will remain with the parent/carer/guardian of the child.

Transport Provided In Error

Where free transport has been provided in error, or, where there have been material changes to the route to school, provision will be withdrawn. However, transport will continue until the end of the term in which the error was notified, in order to allow parents/carers/guardians to make alternative arrangements.

7. How to apply

Starting school and transferring to secondary school

Pupils without an EHC plan

Application Forms are available online at:

www.bracknell-forest.gov.uk/learning/learn-schools/learn-school-transport.htm

When a parent/carer has applied for a school place for their child for the first time or is transferring from primary to secondary school, by the relevant published closing date for the year group but a school place cannot be offered at any of the preferred schools or the designated area school, the School Admissions Team will offer a place at an alternative school. Transport assistance may be considered if the alternative school is beyond the

statutory walking distance. However if a parent/carer does not name the designated area school in their original application then they will not be considered for transport under this criteria.

When to Apply

If you have applied to the Council for your child to start school for the first time and their date of birth is on or between 1 September 2014 and 31 August 2015 and you have applied by the closing date of 15 January 2019 then you be able to apply as an on-time applicant for transport after the offer letter has been received (or, if appropriate, after a successful appeal). This will be processed subject to the statutory requirements.

If you have applied to the Council by the closing date of 31 October 2018 for your child to transfer from primary to secondary school for September 2019 then you will be able to apply as an on-time applicant for transport after the offer letter has been received (or, if appropriate, after a successful appeal).

If an application for transport is received, the Education Transport team will liaise with the School Admissions Team to check whether your application for a school place could have been made by the closing date (e.g. you have not just moved into the area) then your application for transport will be affected.

Changing Schools

Where a parent decides to change their child's school after they have started, the parent will be responsible for the transport of their child to that school.

Fair Access Protocol

If a child has been admitted to a school that has been agreed by the Fair Access Panel it may be appropriate for transport to be given. This will usually be in the form of a bus pass. A decision on whether transport will be offered will be made at the Fair Access Panel meeting.

Pupils with an EHC plan

Requests for home to school travel arrangements for children with an EHC plan should be discussed with the SEN Team.

8. Appeals' Process

Appeal procedures

Parents/guardians/carers or a young person are entitled to challenge the decision of the Council to refuse to provide assistance with transport as set out in this policy or when the parents/guardians/carers or young person consider that the travel arrangements, agreed by the Council, are unsuitable.

A decision may be challenged on the following grounds:

- eligibility

- distance measurement; and/or
- safety of the route
- transport arrangements offered

Please contact: education.transport-appeals@bracknell-forest.gov.uk at Stage 1 of the appeals procedure.

Stage 1 – Review of decision

You have 20 working days from the receipt of the transport decision to make a request, asking for a review of the original decision.

The request should detail why the decision should be reviewed and give personal and/or family circumstances, which should be considered during the appeal process.

A Senior Officer from the Council will review the original decision and will send you a letter, detailing the outcome of the review within 20 working days of the receipt of the written request.

This will set out the following information:

- the nature of the decision reached
- how the review was concluded
- information about other departments and/or agencies consulted as part of the process
- what factors were considered
- the rationale for the decision reached
- Information about escalation to Stage 2, if appropriate.

How to make a Stage 1 appeal

Please provide us with the following information:

- Confirmation that you are the legal parent or guardian of the child and please provide the date you received our transport notification
- Child's first name and family name
- Child's date of birth
- Your full name and address
- Your email address
- Your phone/mobile number
- Reasons for the appeal (i.e. eligibility, distance, route safety or transport arrangements) and your reasons for challenging the Council's decision

and then email your request to:

education.transport-appeals@bracknell-forest.gov.uk

Stage 2 – Appeal

You will have 20 working days from the receipt of the Council's decision to make a request to escalate the matter to appeal.

An independent appeal panel made up of 3 members of the Council will be convened to consider the appeal within 40 working days.

The independent appeal panel will consist of:

- A borough councillor
- A Senior Officer
- A democratic services officer (acting as clerk)

No member of the appeal panel will have been involved in the original decision to decline transport assistance. This panel will consider verbal and written representations from parent/guardian/young person, involved in the request.

You will be invited to attend the hearing to present your case.

The Senior Officer involved in the review of the decision at Stage 1 may also be invited to attend.

You will receive a letter, detailing the outcome of the appeal hearing, which will set out the following information:

- the nature of the decision reached
- how the review was concluded
- information about other departments and/or agencies consulted as part of the process
- what factors were considered
- the rationale for the decision reached
- information about escalation to the Local Government Ombudsman (LGO)

How to make a Stage 2 Appeal

Please send your written request to:

Democratic Services, Bracknell Forest Council, Time Square, Bracknell, RG12 1JD or by email to committee@bracknell-forest.gov.uk clearly marked TRANSPORT APPEAL.

Local Government Ombudsman (LGO)

You have a right of complaint to the LGO on the grounds that there was a failure on the part of the Authority to comply with procedural rules or there was an irregularity in the way the appeal was handled.

The LGO can be contacted at:

www.lgo.org.uk